

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOE BARRY CARROLL,

Plaintiff,

v.

THE TAVERN CORP., et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:08-CV-2514-TWT

ORDER

This is an action for race discrimination under Title II of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. It is before the Court on the Report and Recommendation [Doc. 167] of the Magistrate Judge recommending denying the Defendants' Motion for Summary Judgment [Doc. 112] with respect to the Plaintiff's federal claims and granting it with respect to the Plaintiff's state law claims. For the reasons set forth in the thorough and well reasoned Report and Recommendation of the Magistrate Judge, there is a genuine issue of fact as to whether the Defendants' actions during the incident in question were racially motivated. I approve and adopt the Report and Recommendation as the judgment of the Court. The Defendants' Motion for Summary Judgment [Doc. 112] is GRANTED in part and DENIED in part.

The parties are directed to submit a consolidated pre-trial order within 21 days from the docketing of this Order.

SO ORDERED, this 21 day of March, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge